

Union Calendar No.

118TH CONGRESS
1ST SESSION

H. R. 4668

[Report No. 118-]

To amend the Small Business Act to require the Small Business and Agriculture Regulatory Enforcement Ombudsman to publish guidance documents for certain rules, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2023

Mr. MOLINARO (for himself and Ms. SCHOLTEN) introduced the following bill;
which was referred to the Committee on Small Business

SEPTEMBER --, 2023

Committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

A BILL

To amend the Small Business Act to require the Small Business and Agriculture Regulatory Enforcement Ombudsman to publish guidance documents for certain rules, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Providing Opportuni-
5 ties to Show Transparency via Information Technology
6 Act of 2023” or the “POST IT Act of 2023”.

7 **SEC. 2. INCLUSION OF GUIDANCE ON OMBUDSMAN**
8 **WEBSITE.**

9 (a) WEBSITE REQUIREMENT.—Section 30 of the
10 Small Business Act (15 U.S.C. 657) is amended—

11 (1) in subsection (e)—

12 (A) in paragraph (1), by striking “and” at
13 the end;

14 (B) in paragraph (2), by striking the pe-
15 riod at the end and inserting “; and”; and

16 (C) by adding at the end the following new
17 paragraph:

18 “(3) to the extent practicable, hyperlinks for
19 such guidance that is designed to set forth policy on
20 a statutory, regulatory, or technical issue, or an in-
21 terpretation of such issue, for any rule for which an
22 agency produces a small entity compliance guide.”;
23 and

24 (2) by adding at the end the following new sub-
25 section:

1 “(g) PROTECTION OF CONFIDENTIAL INFORMA-
2 TION.—Subsection (e) does not require the public avail-
3 ability of information that is exempt from public disclosure
4 under section 552(b) of title 5, United States Code (com-
5 monly known as the ‘Freedom of Information Act’).”.

6 (b) APPLICABILITY.—Paragraph (3) of section 30(e)
7 of the Small Business Act (15 U.S.C. 657), as added by
8 this section, shall apply with respect to guidance on, or
9 interpretation of, a rule for which an agency produces a
10 small entity compliance guide described under section
11 212(a)(1) of the Small Business Regulatory Enforcement
12 Fairness Act of 1996 (5 U.S.C. 601 note) on or after the
13 date of the enactment of this Act.

14 **SEC. 3. COMPLIANCE WITH CUTGO.**

15 No additional amounts are authorized to be appro-
16 priated to carry out this Act or the amendments made
17 by this Act. Such Act and amendments shall be carried
18 out using amounts otherwise appropriated.